



BOB RILEY  
GOVERNOR

STATE OF ALABAMA  
DEPARTMENT OF INSURANCE

LEGAL DIVISION

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STACY FARRIS

RECEIVED  
JUN - 9 P

June 9, 2006

Office of the Clerk  
United States District Court  
United States Courthouse  
Montgomery, Alabama

**RE: *John Goff, et al. v. Phoenix-Durango, LLC, et al.***  
**2:06cv389-SRW**

Dear Clerk's Office:

Late last week, the Department of Insurance received a certified mail package addressed to "S. David Parsons, Commissioner" as "Registered Agent for Greenwich Insurance Company." The package, which is being returned, includes a summons and copies of various pleadings and other filings in this case.

By Alabama statute, the Alabama Commissioner of Insurance is authorized to accept service of process on behalf of an insurer under certain circumstances. This attempted service on Greenwich Insurance Company is REFUSED for non-compliance with the applicable legal requirements:

1. Walter A. Bell, not "S. David Parsons," is Commissioner of Insurance.
2. The Alabama statute [Ala. Code § 27-3-25(a)] requires personal service by an appropriate officer, not service by certified mail.
3. The same statute requires the Commissioner be furnished with three (3) copies of the service documents. Only one copy was received.
4. Service is refused unless a \$25.00 fee authorized by Ala. Code § 27-4-2(13) is paid at the time of service. The fee was not paid.

Counsel causing service of this process has been notified of the Department's position.

June 9, 2006  
Office of the Clerk  
Page two

Thank you.

Sincerely,

J. Fairley McDonald, III (MCD015)  
Assistant Attorney General  
Alabama Department of Insurance Legal Division

Encl.

Cc: Vernon L. Wells, II/C. Ellis Brazeal [w/o encl.]  
Thomas T. Gallion, III [w/o encl.]

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA

JOHN GOFF, ET AL.,  
Plaintiffs

v.

PHOENIX-DURANGO, LLC, ET AL.,  
Defendants and  
Counter-Plaintiffs,

v.

JOHN GOFF, ET AL.,  
Counter-Defendants.

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**SUMMONS IN A CIVIL ACTION**

CASE NUMBER: CV-2006-00389-SRW

TO: S. David Parsons, Commissioner, Registered Agent for  
Greenwich Insurance Company – Alabama Department of Insurance  
201 Monroe Street, Suite 1700  
Montgomery, AL 36130-3351

**YOU ARE HEREBY SUMMONED** and required to serve on Counter-Plaintiff's  
Attorney:

Vernon L. Wells, II  
Walston Wells & Birchall, LLP  
1819 5<sup>th</sup> Avenue North, Suite 1100  
Birmingham, AL 35203

an answer to the Counterclaim which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

CLERK

*Debra P. Hackett*

(By) DEPUTY CLERK

DATE

*5/30/06*

WA

OFFICE OF CLERK  
UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
P.O. BOX 711  
MONTGOMERY, AL 36101-0711

LLP

7006 0100 0000 7144 1353



CERTIFIED MAIL

(06/09/2006)  
S. David Parsons, Commissioner  
Registered Agent for Greenwich  
Insurance Company  
Alabama Department of Insurance  
201 Monroe Street, Suite 1700  
Montgomery, AL 36130-3351